

Message Text

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ACTION ARA-20

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USIA-15 CIAE-00 INR-10 NSAE-00 RSC-01 EB-11 COME-00

FRB-02 TRSE-00 XMB-07 OMB-01 JUSE-00 DRC-01 /104 W

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P 252135Z SEP 73

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC PRIORITY 7040

C O N F I D E N T I A L PORT AU PRINCE 1671

E.O. 11652: GDS

TAGS: PFOR, PGOV, EFIN, HA

SUBJECT: BYERS/AERO-TRADE SUIT AGAINST GOH IN U.S. DISTRICT
COURT, SOUTHERN DISTRICT, NEW YORK

REF: P-AU-P 1659

1. FOREIGN SECRETARY ADRIEN RAYMOND SUMMONED ME TO FOREIGN OFFICE SEPT. 25 AND ASKED ME TO BRING EMBASSY LEGAL ADVISER. IN ABSENCE OF LEGAL ADVISER, CONSUL ACCOMPANIED ME. RAYMOND WAS ACCOMPANIED BY MINISTER OF JUSTICE FOURNIER FORTUNE, COLONEL COICOU AND MAJOR AVRIL OF PRESIDENTIAL GUARD AND REPRESENTATIVES OF MINISTRY OF FINANCE. THEY WANTED TO DISCUSS BYERS/AERO TRADE SUIT AGAINST GOH IN NEW YORK US DISTRICT COURT. THEY SAID THEY WANTED TO HLD IN RESERVE THEIR POSITION ON THE DIPLOMATIC ASPECTS OF THIS QUESTION AND TO ASK US CERTAIN QUESTIONS ABOUT THE JURIDICAL ASPECTS IN VIEW OF THE DIFFERENCES BETWEEN US JUDICIAL PROCEDURES AND THOSE OF THE CODE NAPOLEON FOLLOWED IN HAITI.

2. RESERVING THE QUESTION OF WHETHER OR NOT THE US COURT HAD JURISDICTION WITH RESPECT TO THE GOH THEY WANTED TO KNOW THE LEGAL IMPLICATIONS OF ORDER OF ATTACHEMENT 73 CIV 3587 USDC, SIGNED BY JUDGE EDWARD WEINFELD ON AUGUST 21, 1973. THIS ORDER THEY SAY RESULTED IN THE FIRST NATIONAL CITY BANK OF NEW YORK BEING REQUIRED TO STOP PAYMENT OR
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FREEZE GOH FUNDS AMOUNTING TO \$1,083,750.

3. RAYMOND ON BEHALF OF GOH ASKED OUR ADVICE ON WHAT GOH SHOULD DO. WE SAID GOH SHOULD RETAIN QUALIFIED LEGAL COUNSEL IN UNITED STATES SOONEST. IN REPLY TO FURTHER QUESTIONS WE POINTED OUT THAT SEEKING LEGAL ADVICE IN UNITED STATES DID NOT COMMIT GOH TO ACCEPTANCE OF COURT'S JURISDICTION. IN RESPONSE TO FURTHER QUESTIONS WE SAID THAT IF GOH WANTED TO ADDRESS THE "DIPLOMATIC ASPECTS" OF THIS QUESTION THEY COULD DO SO IN THE FORM OF A NOTE WHICH WE WOULD SUBMIT TO THE DEPARTMENT FOR APPROPRIATE CONSIDERATION.

4. RAYMOND SAID HE PLANNED TO SEND US A NOTE ASKING FOR ANY ASSISTANCE OR ADVICE DEPARTMENT COULD OFFER. TEXT OG NOYR WILL BE CABLED AS SOON AS RECIEVED.

5. COMMENT: FROM OUR QUICK PERUSAL OF THE GOH FILE ON THIS SUBJECT IT SEEMS CLEAR THAT LUCKNER CAMBRONNE MADE AN AFFIDAVIT (REFTEL) WHICH BECAME THE BASIS FOR THE ATTACHMENT. CAMBRONNE HAS OBVIOUSLY BURNED HIS BRIDGES WITH GOH.

6. ACTION REQUESTED: THAT DEPARTMENT OBTAIN COPIES OF JUDGE WEINFELD'S ORDER OF ATTACHEMENT AND ANY SUBSEQUENT MOTIONS AND INSTRUCT AS TO WHAT, IF ANYTHING WE CAN TELL GOH.
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Message Attributes

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